

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1376 of 2021

Arising Out of PS. Case No.-1636 Year-2018 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Sonjhari Devi wife of Late Vidyanand Singh Resident of Village - Uttardaha,
P.S. - Tiyar, District - Bhojpur at Ara.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Old Secretariat, Bihar, Patna.
2. The Director General of Police, Old Secretariat, Bihar, Patna.
3. The Superintendent of Police, Bhojpur at Ara.
4. The officer-in- Charge, Jagdishpur Police Station, Bhojpur at Ara.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Rama Kant Singh, Advocate
For the Respondents	:	Mr. Manish Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 19-09-2025 The present Criminal Writ Petition has been filed seeking direction to the Respondent Authorities to lodge FIR in terms of order dated 03.10.2018, passed by learned A.C.J.M.-11, Bhojpur at Ara, whereby learned A.C.J.M. has directed the police to lodge FIR under Section 156(3) Cr.PC.

2. Heard both the parties.

3. Learned counsel for the Petitioner submits that in compliance of the order, police appeared before learned Court below and stated that he has already lodged FIR bearing Jagdishpur P.S. Case No. 110 of 2017 dated-07.05.2017 in



regard to the alleged occurrence in which investigation is complete and even charge-sheet has been submitted against two accused persons.

4. However, the Petitioner is not satisfied submitting that the earlier FIR was lodged by different persons against unknown, whereas the Complaint before the Magistrate was filed by close family members of the deceased arraying known accused persons including the Informant of the said FIR, Jagdishpur P.S. Case No.110 of 2017.

5. However, learned A.C.J.M. is still to take decision on the submission of the local police station that his order has been complied with. In this regard, proceeding is still pending before learned A.C.J.M.

6. As such, it appears that the plea of the Petitioner herein is that the FIR in pursuance of the Complaint filed before the Magistrate is still required to be registered. However, in view of the principle that two FIRs cannot be registered in regard to the same occurrence, learned A.C.J.M., who has passed the order under Section 156(3), is to decide whether the registration of the earlier FIR Jagdishpur P.S. Case No.110 of 2017 amounts to compliance with his order or not and only after the Magistrate takes such decision, the Petitioner may prefer any



legal remedy available to him, in case he finds himself dissatisfied with the order of learned A.C.J.M., but no way the writ petition is maintainable. The enforcement of the order passed by learned A.C.J.M. under Section 156(3) is within power and jurisdiction of learned A.C.J.M., who has passed this order. Criminal Procedure Code provides all power to learned Magistrate to enforce his order passed. Here, there is no role for this writ court. The Petitioner should wait for the decision of learned Magistrate and after passing the final order in regard to compliance of the order of learned A.C.J.M., he can decide whether he should move any higher court or not.

7. Accordingly, the present petition is dismissed as not maintainable.

(Jitendra Kumar, J.)

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